

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

No. 1:20-cv-01821-DAD-SAB (PC)

Plaintiff,

v.

J. CEBALLOS, et al.,

Defendants.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S REQUEST TO PROCEED IN
FORMA PAUPERIS

(Doc. Nos. 2, 4)

Plaintiff Raymond Alford Bradford is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 28, 2020, plaintiff commenced this action by filing a complaint (Doc. No. 1) and a motion to proceed *in forma pauperis* (Doc. No. 2). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2021, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 4 at 2–4.) Those findings and recommendations were served on plaintiff and contained

1 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
2 5.) Plaintiff filed objections on January 14, 2021. (Doc. No. 5.) Therein, plaintiff contends that
3 he is the victim of an active and ongoing conspiracy to murder him in retaliation for his filing of
4 this lawsuit, which qualifies as a risk of imminent harm. (*Id.* at 2.) However, plaintiff does not
5 explain the nexus between the harm he claims to be facing and his cause of action brought in this
6 action that defendants are refusing to process his emergency appeal. Thus, as indicated in the
7 pending findings and recommendations, “[p]laintiff has not shown that he is in imminent danger
8 that would be redressed by this lawsuit.” (Doc. No. 4 at 4.)

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
11 and recommendations to be supported by the record and by proper analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on January 6, 2021 (Doc. No. 4), are
14 adopted in full;
- 15 2. In accordance with 28 U.S.C. § 1915(g), plaintiff’s application to proceed *in forma*
16 *pauperis* (Doc. No. 2) is denied;
- 17 3. Within twenty-one (21) days following service of this order, plaintiff shall pay the
18 required \$400.00 filing fee in full to proceed with this action;
- 19 4. Plaintiff’s failure to pay the filing fee within the specified time will result in the
20 dismissal of this action; and
- 21 5. This matter is referred back to the assigned magistrate judge for proceedings
22 consistent with this order.

23 IT IS SO ORDERED.

24 Dated: February 1, 2021


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UNITED STATES DISTRICT JUDGE

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